

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

vs.

TERRY FERGUSON

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No 18 CR 734

Hon. Matthew F. Kennelly

STATUS REPORT

COMES NOW the defendant, TERRY FERGUSON by and through his attorneys, Beau B. Brindley, and provides the following status report.

1. Mr. Ferguson's sentencing hearing is scheduled for January 4, 2022 via ZOOM. Mr. Ferguson reports that he is feeling better. Discussions continue with him regarding the issues to be addressed at the sentencing.

2. As this Court is aware, the undersigned has been engaged in the trial of *People v. Lyons* in Riverside, California since November 16, 2021. Closing arguments concluded in the *Lyons* case on December 29, 2021. On December 30, 2021, the undersigned reported to the Court that deliberations in the *Lyons* case were ongoing and that he hoped and expected to receive a verdict on December 30.

3. After 7 hours of deliberation, the jury did not reach a verdict on December 30. The undersigned is now required to be in the vicinity of the courthouse in Riverside County until a verdict is reached. Deliberations have been replete with questions and significant transcript readbacks. There is no telling when deliberations will conclude, but it appears that significant disagreement exists among the jurors. The undersigned does not want to be trying to conduct a significant sentencing hearing on an I-phone in the car with the possibility of continuous interruptions, which is what the situation will be if deliberations are ongoing at the time of

sentencing. Given the unknown length of these deliberations, the undersigned can provide no further information, but wants to advise the Court on what he knows at this time. Deliberations begin again at 10:00 am Pacific Time on January 3, 2022.

4. In addition to these scheduling difficulties noted above, the undersigned is also suffering from a significant respiratory illness. Over the past two weeks, the assistant district attorney, co-counsel for the defense, two jurors in the *Lyons* case, and the undersigned have all become significantly ill. Two jurors have been excused. COVID tests have all been negative. The undersigned has tested negative for COVID. Nonetheless, the undersigned is presently suffering from significant respiratory symptoms following the weekend of January 1.

5. As a longtime severe asthmatic, it is not uncommon for simple illnesses to escalate into bronchitis, pneumonia, etc. for the undersigned. The undersigned needs to get back from Riverside County so he can actually see his doctor and have the matter assessed. That will not occur until these deliberations are complete. It remains a significant problem as of January 3. If the sentencing was scheduled to proceed today, the undersigned would not be able to do it. He would surely appear via Zoom as required. But, he could not present argument under the current circumstances. Hopefully, the cough and accompanying symptoms improve. The undersigned again provides the information he has on this subject as it is presently developing.

WHEREFORE, counsel for Mr. Ferguson submits this status report to this Honorable Court in order to make a complete record regarding the issues referenced above and to apprise the Court with information regarding this developing issue.

Respectfully submitted,

S/ Beau B Brindley

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